CERTIFICATE OF SERVICE

I hereby certify that I have served a true and exact copy of the within and foregoing Comments of Sprint Communications Company L.P. Regarding Retail Analogs and Benchmarks in Docket No. U-22252, Subdocket C, via facsimile as indicated by an asterisk, and by U.S. First Class Mail, postage paid and properly addressed to the following:

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This 21st day of December, 1998.

Danielle Etzbach

Danielle Etzbach
Sprint Communications Company, L.P.

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December 22, 1998

Ref: 2744-19002

VIA HAND DELIVERY

Ms. Susan Cowart
Administrative Hearings Division
Louisiana Public Service Commission
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Baton Rouge, LA 70821-9154

In re: **Docket No. U-22252(C)** - Louisiana Public Service Commission, ex parte: In re: BellSouth Telecommunications, Inc., Service Quality Performance Measurements.

Dear Susan:

Enclosed please find the original and two copies of Comments In Response to Workshop held on November 30 and December 1, 1998 to be filed into the record of the above-referenced matter on behalf of Cox Louisiana Telcom II, L.L.C. An additional copy is included so that you may date-stamp and return same to me for our files.

Thank you for your courtesies.

Very truly yours,

Daniel J. Shapiro

DJS/lng
Enclosures

cc: All Counsel of Record
Ms. Jill Butler

cls VMC, DB, DL

145758

BEFORE THE

LOUISIANA PUBLIC SERVICE COMMISSION

LOUISIANA PUBLIC SERVICE COMMISSION, EX PARTE:

In Re: BellSouth Telecommunications, Inc., Service Quality Performance Measurements. U-22252(C)

COMMENTS OF COX LOUISIANA TELCOM II, L.L.C. IN RESPONSE TO WORKSHOP HELD ON NOVEMBER 30 AND DECEMBER 1, 1998

NOW BEFORE THIS HONORABLE COMMISSION comes Cox Louisiana Telcom II, L.L.C. ("Cox") appearing through undersigned counsel, who pursuant to Notice published December 2, 1998, submits these Comments in the above-referenced matter.

I. Introduction

The Telecommunications Act of 1996 (the "Act") requires that incumbent local exchange service carriers ("ILECs") provide services and facilities to competitive local exchange carriers ("CLECs") at "parity" with those services and facilities the ILEC provides to itself.[1] This determination is made from the point of view of the marketplace (its own end user customers). This notion of parity is critical to the development of competition through any and all of the Act's three methods of entry into the local exchange marketplace: (1) reselling the ILEC's services by purchasing at wholesale rates and selling at retail rates; (2) leasing the facilities of the ILEC through unbundled network elements ("UNEs") and interconnection for the exchange of traffic; and (3) making capital investments in network facilities (facilities based) and interconnection. The

[1] 47 U.S.C. §251(2)(C), (3), and (4).

ILEC completely controls the ability of new market entrants to be successful in entering, provisioning equally satisfactory services, and thus staying in the market through resale and the use of UNEs. Additionally, through the quality of interconnection provided, the ILEC controls the ability of a facilities-based new entrant to successfully compete.

Congress and the Federal Communications Commission ("FCC") believed that the ILECs could and would have a strong incentive to chill the two entirely dependent avenues of market entry under their control. The ILECs have a similar incentive to diminish the chances of facilities-based competitors to be successful by providing interconnection of inferior or minimal quality.

As a consequence, the Act and the FCC require "parity." "Parity" has one connotation for services and facilities provided to "Resellers"-- CLECs who resell the services and facilities of the ILECs. It has a different connotation for CLECs who are primarily facilities based, but use the ILEC's unbundled network elements to supplement or augment their own networks.

In the case of Resellers, the Reseller's performance is identical to that of the ILEC for some of the functions required to provide the service. In this context, parity means the provision of services and facilities by the ILEC such that when the ordering of service and attendant supporting functions are properly used by the Reseller, the Reseller's customers receive initial and continuing service in the same manner, with the same quality, and with the same schedules as those same customers would if they ordered service directly from the ILEC.

The provision of such service depends on actions taken both by the Reseller and by the ILEC. Arguably, the Reseller must emulate many of those functions performed by the ILEC in servicing its own customers, if the substitution is successful.

Therefore, in a resale situation there are actions which would otherwise be provided by the ILEC, but which are now performed by the Reseller. Thus, an equally efficient provider (the

Reseller) must be supported by actions taken by the ILEC which are the same as it would provide for itself. If this is the case, the end-to-end time, efficiency, and proficiency in the provision of service from an end user's perspective should be the same. Should the ILEC provide those supporting functions less efficiently to the Reseller than it provides itself, the Reseller cannot provide proper "competitive" end-to-end service. In that event the ILEC is not providing services at parity.

Parity, with regard to facilities-based providers (both those who buy UNEs and those who do not), is based on the same principles of equality. However, there are significant operational and functional differences between Reseller and UNE provisioning. The result is that parity for UNE provisioning differs from parity for resale. With UNE provisioning, the end user's service depends on both the ILEC and the facilities-based CLEC performing much more complicated functions because of the nature of network interconnection, signaling, transport, and billing. Many of these functions, in their detail, have not been historically performed by the ILECs and in fact are not performed by the ILEC in providing service to current ILEC end users today. Parity for providing unbundled network elements and interconnection to facilities-based CLECs is accomplished when a comparably efficient CLEC adds its work to that performed by the ILEC, and the outcome is equal to the outcome which would occur if the ILEC performed the counterpart work to that of the CLEC, but within the ILEC network.

It is the position of Cox that it would be possible to set in place a system of Service Quality Performance Measurements ("SQPM") which would provide the information required to determine parity at this level of granularity. And, to achieve actual facility-to-facility competition, it would be most appropriate to do so. However, for the purpose of this series of workshops and the attainment of the Commission's goal, to do so may slow the workshop process to the point where it has little merit and less benefit. This potential outcome exists at this time because, to

date (both within and outside of Louisiana), the focus on the development of SQPM processes and indeed ordering, provisioning, and maintenance has been driven from the Resellers' perspective. The process has virtually bypassed the needs of the facilities-based providers. Thus, as significantly facilities-based competition develops, the Commission should be open to additional standards and revisions to SQPM. In short, this matter should be considered ongoing as new developments and necessities are revealed by subsequent operations.

Cox believes that this focus on resale in the establishment of SQPMs will provide a short term, if any, benefit to the Commission and to the consumers of Louisiana. The reason - it is becoming increasingly clear that local exchange competition cannot be sustained by resale either alone or as the predominant component of a local exchange competitor's business. The available margins above cost (the wholesale discount for an equally efficient provider) simply are not sufficient to sustain a business, and CLECs (including some attending these workshops) have withdrawn or are withdrawing from the Resale approach to competition. It is Cox's judgment that the focus on resale in the development of SQPMs is inappropriate and will generate significantly incomplete standards.

Nevertheless, Cox believes, because it has a middle ground perspective between that of BST and the range of perspectives of the CLEC Parties, it provides these Comments to offer its facilities-based perspective.

II. Possible Approaches to SQPM

Service Quality Performance Measurements are not new to telecommunications. They have existed for decades and were used to determine any differences in the quality of "Operating Companies" performance by parent companies such as, but not limited to, GTE, United, Continental, and the Bell System. These "parents" set the performance benchmarks and expected

that, when the Operating Companies met them, it would result in uniform service to end users across the parent's expanse of operations.

These measures resulted from the direct comparison of operating results, in numbers of categories, to the benchmarks. The results were used as a "report card" through the issuance of "Weak Spot Reports" (reports which enumerated deficiencies) for the managers of the operating entities. Benefits were awarded for a good report card and other actions were taken for bad report cards. Such actions and consequences as "test," "match," "reward for success," and "take action for failure" were part of the process then. They need to be part of the process today.

Statistical sampling, to represent the population required for each measurement set rather than direct comparison, was virtually unused in the development of these report cards, although the techniques were well known at that time. The direct comparison method could be used today and, if so, perhaps would lead to less difference of opinion between the Parties in the workshops. Attention would then be focused on the measurements required and the benchmark levels to be exceeded (this will have to be done anyway), rather than who advocates the best statistical process.

Approaches to the determination of the performance or characteristic of a population by application of statistical methods to a sample pool have gained in popularity over the years (except for the next national census) and are generally believed to provide an accurate representation, subject to a defined margin of error. They are accepted, that is, by those who believe their futures or businesses will not be measured by results that have not fallen or will not fall into the error margin. In the instant situation of the workshops the question is no longer: Is direct measurement or statistical approximation best under the dictates of the data? Rather, it is: What statistical approach should be used?

Initially, there were three statistical candidates held out for consideration; the FCC's, LCUGS, and the Statistical Process Control ("SPC"), which BellSouth proposed to have merit. All of these candidates were believed viable by their advocates as a consequence of estimating the nature of the data in which they would be applied. At the time of the initial submissions, Cox did not find the SPC candidate to be viable in the data set from which appropriate measures would have to be determined. Cox believed that the FCC and LCUG candidates could be proven to be viable candidates.

To provide a measure of objectivity, BellSouth retained Ernst & Young to form an SQPM design team. The BST team's Interim Report has substituted a candidate called "BST" for the SPC candidate. This substitution has been determined to have some merit. Cox views it as an upgrade to BellSouth's position and does not view it as a complete castigation or rejection of BellSouth's initial candidate submission.

The substance of the Interim Report, the subsequent presentation by BellSouth's team, and a review of the material provided during the presentation indicates to Cox that BellSouth's current approach is a meritorious one. It may, subject to the further work program outlined at the November 30th and December 1st workshop, be able to subsume the benefits of the FCC and LCUG candidates, while not being disposed to some of the disadvantages introduced by the data. That is not to say that the BST process does not require some tuning; it does. The following section addresses that issue, and to the extent it qualifies, the BST process and its ability to subsume and qualify the FCC and LCUG candidates.

III. The Data Set

Cox's Comments, provided earlier in this proceeding, represented Cox's general view of the basis that should be used in the determination of proper service quality performance measurements, the appropriate benchmarks and the need for enforcement. This view comes from

the experience of Cox's professionals in the telecommunications industry. That experience suggested that the data (1) could be found to have significant dependent characteristics, (2) is uncorrelated between wire centers, (3) defies "like-to-likes" (except at the lowest levels of aggregation), and in general, (4) denies the applicability of a single statistical process without secondary assessment by professionals reviewing the Data character or instead a group of processes for application.

For example, it is conceivable that non-dispatched single line residence and business service could be combined to obtain a single measure of performance. However, doing so denies the fact that the initial ordering and provisioning of the two services go through different processes with different groups of people controlling them. In fact, that maintenance and repair are also different, as is the provision of customer service (that is, if one is to believe the justification provided by BST and other ILECS for the higher business dial tone rates). Therefore, to accommodate these differences, these services must be disaggregated as to SQPMs.

The provisioning of service in terms of its quality, timeliness, and accuracy significantly depends on the quality of the support staff at the wire center level. Therefore, one may expect the performance between wire centers will almost certainly vary. Thus, disaggregation to the 228 "real" and 4 pseudo wire centers in Louisiana (for BellSouth's internal purposes) is necessary to achieve reliable measurements. More importantly, wire center disaggregation is necessary to implement prompt corrective measures at the wire center level, where the deficiency will actually originate. Cox suggested in its earlier comments that it would be necessary to disaggregate to the wire center level to determine a best estimate of parity. No evidence has been presented to change Cox's belief to date.

The data, depending on the metric, is subject to variability because of time of day, day of week, week of month, and month of year, weather conditions, socio-economic externalities and

other factors. This nature of the data makes the application of statistical processes which will produce valid outcomes a complicated undertaking.

Perhaps the observations and complications above, individually and collectively, were the reasons that the SQPMs used internally by the Bell System for decades depended more on direct comparisons.

IV. If Statistical Properties Count, Which Properties Are Relevant?

To abbreviate a long discussion, the relevant properties are a comparison of the mean and the deviation about the mean of selected metrics having the ability to measure parity. Because parity implies that there should be no difference between BellSouth's provision to itself or to CLECs, the differences in the means of the metrics should be zero. In the language of statisticians it should be "null" and hence prove the Null Hypothesis. Because a host of different values for a given metric can lead to the same mean, it is also necessary that the distribution of the relevant data about the mean be the same within an acceptable margin. These requirements lead to statistically proving the Null Hypothesis and a comparison of distributions. The results should fall within a margin of error acceptable to the Parties.

V. Does the BST Process Satisfy the Need?

The "BST" process is a work in progress. If the BST can be made to subsume the benefits of the FCC and LCUG approaches, confirming it will contribute to the Staff's and Commission's goal. Agonizing about its failures at its current state of development is counter-productive unless they are unrecoverable failures and unless the FCC or LCUG candidates are shown to be clearly superior.

In Cox's opinion, it is not clear that the FCC or LCUG approaches are superior, since their benefits can also be subsumed by the BST. The BST appears to have a satisfactory benefit, using the data, which supports the measurements under consideration to date. It is clear that the

FCC and LCUG candidates would also have merit for the data. However, the Parties must come together. Cox submits that contributing to the necessary modifications of the BST so that it will subsume the benefits of the FCC and LCUG candidates is the shortest path to success, and is consequently the most appropriate approach.

VI. Concerns About the BST Process

As mentioned, the BST is a work in progress and is to a large extent an unknown. It is based on a number of precepts, among which is the catechism that "one size doesn't fit all." When applied to a set of SQPMs, it implies that a number of statistical tools will be required so that the toolbox will fit all. This must be reduced to understandable and representative indications of parity or no parity with respect to a number of important services and/or facilities. Is it possible to do so? It is too early to know. It is not too early, however, to identify a number of concerns which will have to be cured before the BST continues as a viable candidate.

The Parties identified several areas of concern during the workshops and agreed on several important issues. Cox is in agreement with the following:

* The mean is appropriate to use (AT&T has some concerns).
* The Null Hypothesis is the relevant hypothesis.
* There is a need to trim outliers.
* Desegregation at the proper level is essential.
* The Act and the FCC's concept of parity can be satisfied by a one-sided test.
* The type 1 errors are relevant; however, the level (2.5, 5,10?) is at issue (Cox would accept 5%).

- If it is necessary to adjust the BST mean, the manner of adjustment is at issue.

Agreement for a number of other issues will depend on the results of the work the BST team is doing as a result of direction received during the workshop. Once again, Cox highlights the fact that the tests which were accomplished to date are more indicative of the results of the resale activity than they are of those of concern to facilities-based carriers.

As an example, among the most important goals of achieving equality is that of parity with respect to Operations Support Systems ("OSS"). The data set for OSS appears to have had been made up of data averaged or aggregated in a manner that may have sacrificed the true character of the data. Cox does not believe the results at this time to be a proven indication of OSS performance.

VII. Enforcement Must Be Part Of The Process

The new market entrants will have a substantial stake in their businesses in Louisiana. The infrastructure necessary to create a competitive business varies on the avenue to the marketplace chosen by the new entrant. Generally, the necessary investment will be lowest for Resellers and highest for facilities-based carriers. Correspondingly, the tangible benefits to the citizens will vary with the largest contributions to a competitive marketplace being made by facilities-based carriers and the smallest by the Resellers. As noted above, Cox expects the complete resale approach to the market to dwindle over the next five years to the point where it becomes an artifact.

In all cases, from minimum to maximum infrastructure, each new market entrant has been promised an opportunity by the Act. If poor performance standards by the ILEC create barriers to market entry or inhibit market longevity, and that opportunity is chilled or diminished, the affected business should be able to recover compensation from BellSouth. In that event,

BellSouth's parity and meeting of performance standards will have warranted a "Weak Spot Report" and a bad report card. Cox believes that inadequate service provisioning by the ILEC to a CLEC, because it has such a tremendous effect on the CLEC's viability in the marketplace, should carry with it penalties.

In summary, Cox can support the BST model in measuring differences in performance standards of ILECs to themselves versus that of ILECs to CLECs. However, the more significant issue comes with setting the benchmarks for adequate performance, and providing sufficient detail in the measurements (for example, separating business from residence, and measuring at the wire center level) such that what is measured truly sets a standard that allows competition -- facilities-based as well as resale -- to grow as the Act intends. In the next sections, Cox discusses the actual areas and benchmarks which it believed should be met, and proposes a set of regulations that could be adopted in the Final Order in this docket..

VIII. Relevant Issues and Performance Benchmarks and Penalties

A. CONSTRUCTION AND MAINTENANCE OF PLANT AND EQUIPMENT

1.0 GENERAL.

The telecommunications plant of the Company must be constructed, installed, maintained and operated in accordance with engineering practices of the telecommunications industry to assure, as far as reasonably possible, uniformity in the quality of service furnished CLECs and the safety of person and property.

1.1 CONSTRUCTION AND MAINTENANCE PRACTICES

1.1.1 Minimum Construction Standard

BellSouth must use as a minimum standard of accepted good engineering practice the 1993 edition of the National Electrical Safety Code, dated August 3, 1992 (as

updated), published by the Institute of Electrical and Electronics Engineers, Inc. (IEEE), and endorsed by the American National Standards Institute (ANSI), which is incorporated by reference for all new construction or major rebuild of telecommunication plant begun on or after August 3, 1992.

1.1.2 For telecommunication plant constructed or installed prior to August 3, 1992, the minimum standard of accepted good engineering practice should be the edition of the National Electrical Safety Code in effect at the time of beginning construction or installations of the telecommunications plant.

1.1.3 Any telecommunications plant of BellSouth that is constructed, installed, maintained or operated in accordance with the National Electrical Safety Code in effect at the time of its construction or installation shall be presumed to comply with accepted engineering practice in the telecommunications industry and the provisions of Section 1.1 of this Comment Document. However, all direct buried cables connecting the standard network interface at the end user customer's premises to the network facilities of the Company shall be permanently buried, as practical, at least 12 inches below the final surface grade as known at time of installation. All other direct buried communication cable shall at least be buried at depths required for supply cable of similar voltage as specified in the National Electrical Safety Code.

1.1.4 BellSouth shall use as a minimum standard of safe practice the current edition of Part 68 of Title 47 of the Federal Code of Regulations dated October 1, 1994 (as updated) and, for the interconnection of new or existing telecommunications plant of the Company with terminal equipment of an end user customer.

1.1.5 BellSouth will coordinate with other entities concerning construction work initiated by itself, or other entities, that may affect its facilities used for serving CLECs. For example, BellSouth shall:

(a) Economically minimize construction expenditure by coordination with other entities such as the joint use of trenches for cable where joint construction is safe, cost effective and in the best interests of BellSouth and its CLEC customers.

(b) Take reasonable action, such as identifying for other entities the location of underground facilities which may be affected by construction work, to protect service providing facilities. To accomplish this result, BellSouth shall maintain a database or some other form of quickly accessible information at its facilities sufficient to allow facility location coordination and participation in a program on a statewide basis to minimize service interruptions caused by accidental cutting of cables.

(c) Engage in coordination with electric power utilities in the area prior to constructing new plant or a major rebuild of existing plant which may be impacted by inductive interference from the electric power systems.

1.1.6 BellSouth shall adopt a program of periodic tests, inspections and preventative maintenance aimed at achieving efficient operation of its system to permit at all times the rendering of safe, adequate and continuous service as recognized by general practices within the telecommunication industry. The presence of inductive interference, call cut disconnection, intelligible cross-talk, and excessive noise generation by communication system facilities, during the provision of telecommunications services, unbundled network elements, or transport segments by BellSouth are symptomatic of inadequate service. A maintenance program should be designed to minimize or prevent those occurrences. BellSouth must maintain its system to meet the applicable service adequacy standards defined in this Comment Document.

1.1.7 Records of various tests and inspections necessary to meet the service standards of the industry in general and those contained in this Comment Document shall be kept on file in the office of BellSouth for review by this Commission. These records shall show the nature of the equipment tested, the reason for the test, the general conditions under which the test was made, the general result of the test and the corrections, if any, made.

2.0 PROVISION OF SERVICE DURING MAINTENANCE OR EMERGENCIES

2.1 Minimum Standards for Maintaining Service.

2.1.1 BellSouth must make reasonable provisions to meet emergencies resulting from power failures, sudden and prolonged increases in traffic, or from fire, storm, or acts of God, and shall issue instructions to its employees covering procedures to be followed in the event of emergency in order to prevent or mitigate interruptions or impairment of telecommunications service to its CLEC customers.

2.1.2 Each local central office, toll switching or tandem switching office of BellSouth shall contain a minimum of four hours of battery reserve rated for peak traffic load requirements. In wire centers with a capacity for more than 10,000 access lines, or in local, sector or toll tandem switching offices, a permanent auxiliary power unit, with automatic cut over, shall be installed. For wire centers serving fewer than 10,000 lines, a mobile power source shall be available which normally can be delivered and connected within four hours.

2.1.3 Service interruptions for an extended time due to maintenance requirements shall be done at a time which causes minimal inconvenience to BellSouth's CLEC customers. CLEC customers shall be notified in advance by BellSouth of extended maintenance requirements. Emergency service should be made available in an area that experiences a service interruption affecting 25% of the aggregate quantify of service provided to CLECs which lasts for more than four hours during the hours of 8:00 a.m. to 10:00 p.m. If BellSouth cannot provide emergency service it should file a report of the occurrence with the Commission.

2.1.4 BellSouth must be required to develop a general contingency plan to prevent or minimize any service interruptions to CLEC customers due to the catastrophic loss of a central office switch that serves more than 10,000 access lines or is the toll or tandem switching office for 10,000 access lines. The plan shall describe the actions and systems installed to prevent or minimize the extent of any incurred service interruption.

3.0 AVAILABILITY OF SERVICE - ADEQUACY OF FACILITIES.

BellSouth must be required to employ prudent management planning practices so that adequate equipment is in place to supply service to prospective CLEC customers in its service territory within a reasonable period of time as set forth in this section.

The time frames specified in this section and the associated remedies for failure to meet these time-frames apply to requests for network elements, transport, collocation, or services for resale by CLECs.

3.1 Construction Charge Estimate

Where construction charges apply, BellSouth must be required to provide to the CLEC a good faith written cost estimate of the amount of the construction charge, within a time period not to exceed twenty (20) calendar days from the date of a CLEC customer's request for such estimate. Agreement by the CLEC customer with such estimate, as evidenced by a signed construction agreement, must be construed as notice to BellSouth that the CLEC customer desires service and the signature date on the construction agreement shall be considered the application date. The good faith written cost estimate shall inform the CLEC customer that receipt of a signed construction agreement is required before the CLEC customer's request will be considered an "application for service". This consideration shall in no way extend the CLEC in service date beyond ninety days i.e., the time period between when the CLECs initial request for an estimate and the date service is actually provided, shall not exceed ninety days unless so requested by the CLEC or, unless the CLEC requests longer than thirty (30) days to return the signed construction agreement as previously agreed to by BellSouth. In no event will the CLEC have less than thirty (30) days to accept and return the signed construction agreement.

3.2 Timely Provision of Service

BellSouth shall provide unbundled elements, transport segments, or services for resale no later than three (3) working days from the date of the CLEC customer's application. When the CLEC customer requests a later date of service (i.e., beyond the three working days), the service shall be provided by the CLEC's requested date

When facilities do not already exist, BellSouth must be required to provide service no later than thirty (30) calendar days from the date of the CLEC's application date. In the event it is not possible to do so the Company will notify the CLEC and the Commission providing all of the details as to the reason. When the CLEC requests a later date of service (i.e., beyond the 30 calendar days), the service shall be provided by the CLEC's requested date.

If service is not provided within these specified time-frames, BellSouth shall waive any and all installation charges (except applicable construction charges).

3.3 Provision of Alternative Form of Service and Other Remedies

3.3.1 When BellSouth fails to provide the service of §3.2 before or on the third (3rd) working day of the CLEC's application date or by the CLEC's requested service date (if that date is more than 3 working days beyond the application date) BellSouth shall provide the CLEC with the requested service for one billing cycle without charge.

3.3.2 If the service is not provided within five (5) days, BellSouth will also credit an amount equal to one month of the rate for the services for each month or partial month service was not provided beyond the five (5) day time-frame established in §12.2.

3.4 Potential Facility Unavailability

BellSouth must be required to inform CLECs and the Commission of the potential of future facility unavailability when BellSouth is experiencing or is forecasting potential facility unavailability in specific areas. BellSouth should be required to allow CLEC's to reserve unbundled network elements, transport segments and services for resale for a period not to exceed one hundred twenty (120) days at a rate which is one quarter the tariffed rate for the service.

3.5 Applicability of Effective Date of these Terms

There may be CLECs that have applied for service prior to the effective date that these terms are implemented (the date of such applications shall be considered the original application date), which have not received service by the effective date of the implementation

of these service quality and penalty terms. For these purposes these CLEC's enforcement dates shall be considered to be the effective date these terms are implemented. However if service is not provided within the time frames contained in above, the original application date shall be used to determine all applicable penalties imposed on BellSouth.

B. QUALITY OF TELECOMMUNICATIONS SERVICE

1.0 ADEQUACY OF SERVICE.

1.1 General Requirements.

1.1.1 BellSouth should be required to employ prudent management and engineering practices so that sufficient equipment and adequate personnel are available at all times. To meet this objective, BellSouth should conduct traffic studies, employ reasonable procedures for forecasting future service demand and maintain the records necessary to demonstrate to the Commission that sufficient equipment is in use and that an adequate operating force is provided.

1.1.2 The criteria for quality of service established within these Comments defines a minimal acceptable standard for the most basic elements of telecommunications service required by CLECs. The Comments do not attempt to define all criteria for all service applications nor the most desirable service level for any basic element, except for the minimal acceptable standard. In the event a specific service element is not covered by these Comments, BellSouth should be expected to meet generally accepted industry standards for that element and the total service. Organizations which are recognized for establishing standards that may be appropriate for telecommunications services include the IEEE, ANSI, Bellcore and the FCC, and the North American Numbering Council ("NANC").

1.1.3 BellSouth should be required to make regular periodic measurements to determine the level of service for each item included in these Comments. These records should be available for review by the Commission upon request.

1.1.4 The standards within this proposal establish the minimum acceptable quality of service under normal operating conditions. They do not establish a level of performance to be achieved during periods of emergency, catastrophe, natural disaster, or other events affecting large numbers of CLEC customers nor shall they apply to extraordinary or abnormal conditions of operation, such as those resulting from work stoppage, civil unrest, or other events.

C. BASIC TELEPHONE SERVICE STANDARD

1.1 Basic Standards

As part of its obligation to provide adequate telephone service, BellSouth must construct and maintain its telecommunications network so that the functions, equipment, and facilities within the network shall be adequate, efficient, just and reasonable in all respects in order to provide each CLEC within its service area with the following services or capabilities at a minimum:

1.1.1 Unbundled Network Elements, Transport Capability, Services for Resale and other functionality as defined by the Act and Applicable FCC and Commission Orders;

1.1.2 Dual Tone Multifrequency signaling capability on the local access line;

1.1.3 Facsimile and data transmission capability of at least 56 KBps per second on analog loops where modulation/demodulation devices rated for such capability are employed;

1.1.4 Notification of any potential change in the local calling area 180 days before any such changes become effective.

1.1.5 Access to toll services through Access Tandems;

1.1.6 CLEC billing, network information assistance, directory listing, directory assistance and intercept for ported numbers.

1.2 Universal Service Availability Standard.

In order to maintain a reasonable uniformity between all localities in BellSouth's service territory for adequate service in the ordinary course of its business, BellSouth shall construct and maintain its telecommunications network so as to provide for universal (i.e. ubiquitous) availability of the following services or capabilities when requested by a customer within its serving area:

1.2.1 The basic service standard defined in this Comment Document

1.3 Local Calling Area Standards.

Local calling areas including extended local calling, as established in BellSouth's Exchange and Network Services Tariff shall be considered by the Commission to meet the community of interest standard as of the date of the tariff.

1.4 CLEC UNBUNDLED NETWORK ELEMENTS.

1.4.1 Unbundled Loops

BellSouth shall construct and maintain all local loops provided as unbundled elements so that the transmission loss, as measured at the interface with BellSouth's network at the end user customer's location and including any losses in central office equipment, does not exceed 8.0 dB at 1000 + or - 20 Hertz (Hz).

In addition, unbundled loops of less than 30,000 feet in length shall be constructed and maintained so that a measure of the circuit noise from the network interface at the end user customer's premises to and including the central office termination shall not exceed 25 dBrnC. All other access lines used as unbundled loops shall be maintained so that the measured circuit noise does not exceed 30 dBrnC.

Total line resistance excluding station equipment (CPE), shall not exceed the basic range of the central office. Range extension equipment shall be applied to subscriber lines

which are longer (i.e., having more resistance) than the basic working range of the central office.

1.4.2 Unbundled Ports

All unbundled ports shall provide a minimum of 20 milliamperes of line current into an assumed station resistance of 430 ohms.

1.5 INTEROFFICE TRUNKING

1.5.1 Trunking Blockage

Local and extended area service interoffice high usage trunk facilities shall have a minimum engineering design standard of B.01 (P.01) level of service. Overflow and/or Final trunk facilities, toll and toll tandem facilities shall have a minimum engineering design standard of B.005 (P.005) level of service.

1.5.2 Digital Services

BellSouth shall conform to the following digital circuit performance standards:

(a) For end-to-end connections through the network the Bit Error Ratio ("BER") shall be less than 10(-7) on at least 95 percent of the connections. The BER is the fraction indicated by the ratio of the number of bits received in error to total bits transmitted in the transmitted digital stream. A digital transmission channel is considered unavailable, or in outage condition, when its BER in each second is worse than 10^{-6} for a period of ten consecutive seconds.

(b) Error free performance for digital circuits, expressed terms of a percentage of time in seconds when the circuit is available, shall be no less than 98.75% error free seconds. An error free second is any one-second interval that does not contain bit errors.

(c) Circuit availability for digital circuits, expressed as a percentage of total calendar month minutes, shall be no less than 99.7%.

The standards listed above are minimum standards. Actual network performance will depend on the type of facility utilized (i.e., copper or fiber) and the utilization of self healing and alternate route protection services and is expected to be better than these metrics.

1.6.0 NETWORK CALL COMPLETION REQUIREMENTS.

1.6.1 Direct Dialed Calls.

1.6.1.1 BellSouth shall maintain within its network with sufficient central office and interoffice channel capacity plus other necessary facilities to meet the following minimum requirements during any normal busy hour:

(a) Dial tone within three seconds for 98 percent of call attempts on the unbundled port element.

(b) Correct termination of 98 percent of properly dialed intra-office or inter-office calls within an extended service area.

(c) Correct termination of 98 percent of properly dialed intra-LATA toll calls when the call is routed entirely over the network of the Company for terminating CLEC calls.

(d) Central office equipment shall provide adequate operator or recorded announcement intercept. Adequate intercept means that the central office be so equipped and arranged to permit the interception of calls to all vacant codes and to provide average busy hour, busy season service levels of less than one percent of calls to intercept reaching busy or no circuit conditions.

1.6.1.2 A properly dialed call may be terminated in one of the following conditions:

(a) The calling party receives an indication of ringing and a ringing signal is delivered to the station location of the called party. If the called party answers, a connection is established between the calling and called parties. A call is considered to be correctly terminated when this condition exists.

(b) If the called number is busy the calling party receives a busy signal. A call is considered to be correctly terminated when this condition exists.

(c) If a connection cannot be established between the calling and called parties, the calling party will receive an announcement or an appropriate overflow signal which is different than a called party busy signal. A call is not considered to be correctly terminated when this condition exists.

(d) A call to a non-working code or inoperative customer number is directed to the intercept service of SBT. A call is considered to be correctly terminated when this condition exists.

1.7.2 Unbundled Network Operator Assisted and Repair Calls.

1.7.2.1 Suitable rules and instructions shall be adopted by BellSouth and followed by employees or other entities employed by BellSouth governing the language and operating methods to be used by operators during assistance to customers. Specifically, operators must be instructed to be courteous, considerate, and efficient in the handling of all customer calls. Any required call timing for toll operator assisted calls shall accurately record when the customer requested connection is established and when it is terminated.

1.7.2.2 BellSouth's operators shall answer 85 percent of directory, intercept, toll and local assistance calls within 10 seconds.

1.7.2.3 Other calls directed to the published telephone numbers for service repair or the CLEC business offices of BellSouth by shall be acknowledged within 20 seconds for 100 percent of all such calls and answered by an operator or other employee within 20 seconds for 80 percent of all such calls. Timing for an answered call begins after acknowledgment and the CLEC is waiting to speak to a live operator.

Calls placed by end users which should be handled by CLECs will be directed to the specific CLEC when the telephone number is available to provide to the calling end user customer.

1.7.2.4 An answer shall mean that the operator is ready to accept information necessary to process the call. An acknowledgment that the customer is waiting on the line shall not constitute an answer.

1.8.0 TROUBLE REPORT RESPONSE.

1.8.1 Maximum Acceptable Number of Reports.

BellSouth shall maintain its network so as to economically minimize CLEC customer trouble reports for services, but shall not exceed (4) reports per 100 unbundled loops per month per wire center averaged over a three-month period.

1.8.2 Allowable Response Time.

BellSouth shall clear 95 percent of all out-of-service trouble reports during any three-month period within 24 hours.

This criteria excludes the following conditions:

(a) Reports for service failures of a CLEC.

(b) Situations where access to the customer's premise is required, but is not available.

1.8.3 Response Priority.

If requested by the CLEC, BellSouth shall give priority to and initiate repairs on a 24 x 7 basis for trouble reports which may affect the public health and safety.

1.8.4 CLEC Notification.

If employees of BellSouth cannot clear the reported trouble promptly, the CLEC will be given a reasonable estimate of when the trouble report will be cleared.

1.8.5 Repair Service Commitments.

BellSouth shall meet 95 percent of its repair service commitments during any three-month period. This criteria excludes situations were the commitment cannot be met due to CLEC customer reasons (i.e., access to the CLEC or CLEC customers' premise is required but not available)

D. GENERAL PENALTY CLAUSE

1.0 General.

In addition to the waiving of installation charges, pro rata credits on monthly bills, free monthly service, payments for alternative service, and other credits identified above a

penalty, payable to the involved CLEC(s) of not less than one hundred dollars ($1,000.00) nor more than ten thousand dollars ($10,000.00) per each incident of violating the standards listed in these Comments may be imposed on BellSouth by the Commission. An incident is defined below

1.1 Installation

(a) Each unbundled element, transport segment, or service for resale order which is not provided within three (3) working days of application date where facilities exists.

(b) Each incident where the services of (a) above are not provided within twenty (20) days of the application date where minor facilities do not already exist and where the Commission in its judgment determines culpability on the part of BellSouth.

(c) Each incident where the services of (a) above is not provided within 120 days of application date where major facilities do not exist and the Commission in its judgment determines culpability on the part of BellSouth.

(d) Each coordinated service appointment that is missed by more than two (2) hours.

1.2 Answer Time

(a) Each day that the percentage of calls to the published number for BellSouth's CLEC Customer Service Center answered within twenty (20) seconds is less than ninety percent (90%) when the monthly average is less than ninety percent (90%).

(b) Each day that the percentage of calls to the published number for BellSouth's repair office answered within twenty (20) seconds is less than ninety percent (90%) when the monthly average is less than ninety percent (90%).

1.3 Trouble Reports

(a) Each trouble report above four (4) per month per wire center per 100 access lines when the three-month average exceeds four (4) trouble reports per month per wire center per 100 access lines..

(b) Each out-of-service unbundled element, transport segment, or service for resale that does not have service restored within twenty-four (8) hours when the percentage

of out of-service lines restored per month within twenty-four (8) hours is less than ninety percent (90%).

(c) Each repair commitment not met when the three month average of repair commitments met per month is less than ninety percent (90%).

1.4 Operator Answer Time

(a) Each day that the percentage of operator calls answered within ten (10) seconds is less than eighty-five percent (85%) when the monthly average is less than eighty-five percent (85%).

(b) Each day that the percentage of directory calls answered within ten (10) seconds is less than eighty-five percent (85%) when the monthly average is less than eighty five percent (85%).

1.5 Call Completion

(a) Each call attempt on unbundled ports not receiving dial tone within three (3) seconds when the percentage each month per wire center of call attempts receiving dial tone within three (3) seconds is less than ninety-eight percent (98%).

(b) Each call attempt using unbundled ports not correctly terminated when the percentage of correct terminations each month per extended service area is less than ninety-eight percent (98%).

(c) Each intra-LATA toll call attempt over unbundled ports (routed entirely over BellSouth's network) that is not correctly terminated when the percentage each month of correct termination of intra-LATA toll calls is less than ninety-eight percent (98%).

(d) Each terminating call attempt that does not receive proper interception when the percentage each month per central office of proper interception of calls to vacant codes is less than ninety-nine percent (99%).

1.6 Transmission

(a) Each line that does not meet the requirements of these Comments.

(b) Each digital transmission channel that does not meet the requirements of Interoffice Trunking).

IX. Summary

BellSouth currently has a virtual 100% capture position, ubiquitous presence in the local exchange services market, and a historical track record of service provision. In addition, it has tremendous name recognition and immense resources. This combination of attributes would allow BellSouth to control the absolute service quality achievement for different services. Hypothetically, BellSouth could set the service quality at levels barely acceptable to customers -- levels which would not be tolerated by customers who are giving the new market entrants a trial period to see if "competitive" service is satisfactory. BellSouth's reputation and strength will carry it during such a period, whereas the new market entrants will lose customers and fail to gain new ones. Parity, when the benchmark is poor service, is useless and destructive, is of no value and is, in fact, injurious to market penetration and the development of competition. The only solution is to set minimum quality standards for BellSouth both at the end user and CLEC levels.

When BellSouth meets or exceeds these minimum standards, this will establish the targets which all carriers must achieve. If a carrier fails to match the service quality of BellSouth without other compensating virtues, competitive forces will drive them from the marketplace. Thus, there is no need for the Commission to monitor BellSouth's competitors

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served on all counsel of record by depositing same in the United States Mail this 22nd day of December 1998.

DANIEL J. SHAPIRO